

The amendment filed on April 7, 2008 effectively canceling all claims drawn to the elected invention (by incorporating a feature from a non-elected species) and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

The remaining claims are not readable on the elected invention because the elected species which applicant was required to "FULLY ILLUSTRATE", and did so in Figure 21, does not illustrate the now claimed "integrally disposed " heat source and "heat exchanging layer" (configured within the body). The heat source 99, as illustrated in the elected species of Figure 21, is fully illustrated as a separate piece of structure from the "heat exchanging layer" (interface layer 102). Applicant had ample opportunity to illustrate these two separate structures (99 and 102) in Figure 21 as being integrally formed and chose not to. Applicant must now accept the consequences of that decision. Furthermore, applicant is already on record as designating what is now claimed in claim 1 as not being readable on the elected species (see "withdrawn" claim 39).

Applicant is required to present claims readable on the elected species that is fully illustrated in Figure 21 pursuant to the examiner's earlier requirement to fully illustrate the elected species.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Ford whose telephone number is 571-272-4911. The examiner can normally be reached on Mon.-Fri. 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/698,179  
Art Unit: 3744

Page 4

/John K. Ford/  
Primary Examiner, Art Unit 3744